

FINAL STATEMENT OF REASONS

1) The Update to the Initial Statement of Reasons

There are no changes to the initial statement of reasons, which is hereby incorporated by reference with the exception of the following:

Section 151.00(a)(1)(A) was amended to delete the word “time” and replace it with the word “location”. It was determined that the location of the vehicle when the vehicle was purchased, imported, delivered, rented, leased, acquired or received provided clearer instructions as to when the reading the odometer was to occur. The second sentence was deleted, as it was ambiguous and unclear.

Section 151.00(b) was amended to add the phrase “...the odometer reading or...” to identify the conditions when the department may require additional documents. The odometer reading is a vital element in determining a vehicle’s eligibility for exemption from state smog laws, and the department requires adequate documentation to determine a vehicle’s eligibility.

2) Imposition of Mandate on Local Agencies or School Districts

The department's regulatory action adopting Section 151.00 in Article 3.0, Chapter 1, Division 1, Title 13, California Code of Regulations, does not impose any mandate on local agencies or school districts and imposes (1) no cost or savings to any state agency, (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, (3) no other nondiscretionary cost or savings to local agencies, and (4) no costs or savings in federal funding to the state. No studies or data were relied upon to make this determination.

3) Summary of Comments Received and Department Response

The proposal was noticed on July 9, 2004, and made available to the public from July 9, 2004 through August 23, 2004. No comments were received on the regulatory proposal. However, during the final review process, it was determined that additional modifications to the originally proposed text of the regulations are necessary for the purpose of clarity. A 15-day Notice of Modification of the proposal was published on September 27, 2004, and ended on October 13, 2004. No public comments were received on the Notice of Modification.

4) Determination of Alternatives

No reasonable alternative considered by the department, or that has otherwise been identified and brought to the attention of the department, would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations. During the rulemaking process, no alternative that would lessen the adverse economic impact on small business was submitted.